

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
DECEMBER 20, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on December 20, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Dennis Drake, Commissioner James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor Approved Claims for Payment from December 7, 2011, through December 20, 2011
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Requests for Property Tax Abatement:
Jerry McCall, S/N SG-FORR-97-A
- Consideration of Applications for Settlement or Deferral of Property Taxes:
Colleen Stewart/Sun River, Various Serial Numbers
- Consideration of Washington County Holidays for 2012
- Consideration of Regular Commission Meeting Schedule for 2012
- Consideration of Renewal of Consulting Agreement between Wendy Sandberg and Washington County for the 2012 Washington County Fair

Actions of the Washington County Planning Commission Meeting / 12-13-11

Plat Amendment: Consider plat amendment for Lonnie Truman Subdivision Amended, to add two (2) new flag lots and revise Lot 1, Sec. 15, T39S, R15W, SLB&M, generally located along Sage Rd in Pine Valley; Lonnie and Delmont Truman, applicant.

This item was tabled at the previous meetings to allow for review and opinion from the attorney as to Flag Lot requirements being met. The amended plat submitted and area photos were reviewed. Previously, the public hearing was held on the Lonnie Truman

Subdivision Amended, to create two flag lots and to revise Lot 1. There have been changes to easements and drainage and a sliver of land on the northwest side of the development has been deeded to an adjacent parcel. The rest of the subdivision is to remain the same as shown on the original recorded plat. All will-serve letters on power, phone, and water, plus a letter of septic feasibility from the Southwest Utah Public Health Department will remain the same, whereas, the number of homes allotted will be the same as originally planned for. Deputy Attorney Rachelle Ehlert reviewed the Flag Lot and Plat Amendment portions of the ordinance with the Planning Commissioners.

Commissioner Balen moved to recommend to the County Commission approval of the Plat Amendment for Lonnie Truman Subdivision Amended, to add two (2) new flag lots and revise Lot 1; Section 15, T39S, R15W, SLB&M, generally located along Sage Road in Pine Valley, Lonnie and Delmont Truman applicants with the following Findings of fact:

- Flag lots are allowed by ordinance;
- Changing of the plat is allowed by code, and this application meets the code;
- The Planning Commission recommends the County Commission approve the request under Title 11-6-2-G1;
- This change does not increase density;
- Makes a more efficient use because it would allow loans to be obtainable;
- According to 11-6-4-A3 the Planning Commission and County Commission have the authority to waive improvements;
- The project meets the requirements of County Engineer Todd Edwards in that curb, gutter, and sidewalk are not desirable and the currently installed drainage works well;
- The owner has stated, for the record, his willingness to provide an access road for fire equipment.

Motion carried unanimously.

Conditional User Permit Extension: Review permit to create pasture grounds, corral and stabling lease areas for horses and equipment, storage area and workshop for the Kayenta development group within the OST-20 zone, a portion of Sec. 36, T41S, R17 W, and Sec. 1, T42S, R17W, SLB&M, generally located south of Ivins; Terry Marten, applicant.

This is a third (3rd) extension review of a request for riding stables, training arenas, and fenced RV storage areas, which are conditionally approved within the OST-20 zone (County Code 10-6B-3). The commission made findings that uses are similar to the listed conditional uses and are in harmony with the character and intent of the zone.

History shows previous attempts by Sheila Wilson, founder, and Sunhawk Productions to establish a Native American Cultural Center at this location have diminished, the mortgagee, Terry Marten (Kayenta Development), would like to pursue viable options on his investment, until this area can be combined with surrounding future development, annexed to Ivins, and/or Ms. Wilson's past dream becomes a reality. The commissioners reviewed the original application and site plan. There was lengthy discussion from the two parties who utilize the land giving accolades and pointing out problems. Past and current photos were reviewed. The commission decided to set a time line as to when the approved project should be completed, fencing, and landscaping and road base.

The Planning Commission recommended on a vote of 5 to 1 the approval of the Conditional Use Permit, subject to noted improvements being completed within a year's time. Rick Jones voted Nay, indicating that the owner should not have time limits on improvements in this distressed economy.

Conditional Use Permit: Request permission for Rocky Mountain Power to install a proposed 60' lattice tower within the OSC-20 zone, BLM land on Little Creek Mountain, located west of Apple Valley, adjacent to other cell tower locations; Rocky Mountain Power/Holly Groth and Mark Cox, applicant.

The applicant submitted a site location plan and a photo of the towers located near this site. The applicant addressed the requirements for co-location, explaining that their site is existing (approved June 12, 1989) and it would be too expensive to move their equipment. Homeland Security is one of the reasons for individual location, and it is more expensive for rate payers when co-locating on someone else's tower. (County Code 10-21-2:B.) Accessory equipment shelters will be reviewed by the Building Department. This application also meets the requirement for a "lattice type" tower and there was no need to create a "fall" zone (County Code 10-21-4). This property is located a great distance from private property or developed areas, with the leased area being 93' x 111' and security fenced area being 56' x 62'.

Commissioner Christopher moved to recommend the County Commission approve the Conditional Use Permit with the following Findings and facts:

- The subject property is located in the OSC-20 zone and the use allowed within in that zone with a Conditional Use Permit;
- The project meets the requirements of the zone;
- The project meets the Federal Government requirements of separation and is not able to collocate with another entity due to security issues;
- The project is upgrading an existing infrastructure system for public benefit;
- The use is necessary for future development

The motion carried unanimously.

Conditional Use Permit: Request permission for the "Zion 50 and 100 Ultra Marathon" within the County unincorporated areas from Virgin on SR-9 to Gooseberry, looping around from Virgin to Kolob Terrace Road through Smith's Mesa and ending at Virgin, a 100 mile run (36 hours) Saturday, May 10 and 11, 2012; Matt Gunn, applicant.

The two (2) day event "Zion 50 and 100 Ultra Marathon" sponsored by Matt Gunn will be held on May 10 and 11, 2012. Beginning at Virgin Town Park the event covers 100 miles over Sheep Bridge Rd, Gooseberry Mesa, Smithsonian Butte Rd, Smiths Mesa Rd and Kolob Terrace Rd. There may be as many as 100 participating in this race. Yucca Portables will provide the 22 portable toilets to be located along the event route. Each of the 12 aid stations will be placed 7 - 9 miles apart and accessible by vehicle. Aid stations are equipped with food, water, first aid kits, blankets, garbage bags, and camping chairs for runners. Dixie Amateur Radio Club will communicate emergencies and supply needs to the aid stations. There is cell phone reception at the aid stations, a volunteer plan, and a race committee. The liability insurance policy is in place, listing Washington County as a beneficiary. The applicant has been in touch with Chief Wright from Springdale and the applicant has confirmed jurisdiction with the Washington County Sheriff's Department, making them aware of the event and working with the applicant on schedules.

Commissioner Christopher moved to recommend the County Commission approve the Conditional Use Permit with the following Findings of Fact:

- Insurance has been obtained and is on file with the County;
- Aid stations for medical issues and port-a-potties will be in place;
- Meets the County requirements of a race event;
- The applicant has contacted the various police departments and they are cooperating with the race;
- All permits are or will be in place during the race.

The motion carried unanimously.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda with the Exception of the Plat Amendment for the Lonnie Truman Subdivision, which shall be Considered as the First Item on the Regular Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

Plat Amendment: Consider plat amendment for Lonnie Truman Subdivision Amended , to add two (2) new flag lots and revise Lot 1, Sec. 15, T39S, R15W, SLB&M, generally located along Sage Road in Pine Valley; Lonnie and Delmont Truman, applicants.

MOTION: Motion by Commissioner Eardley to Table this Item Pending Further Review by the Planning Commission Staff. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

EMERGENCY SERVICES REPORT / WASHINGTON COUNTY SHERIFF'S OFFICE

Washington County Sheriff Cory Pulsipher introduced Sgt. Ed Keil, recently promoted to replace William “Reg” Browne, who retired.

Sheriff Pulsipher reported on three (3) Search and Rescue call-outs since his last report:

- A motorist stuck in the snow between Enterprise and Gunlock
- Four (4) motorists stuck in the snow on the Grass Valley Road near Pine Valley
- A motorist stuck in snow and mud on the Danish Ranch Road

For the year 2011, Washington County Search and Rescue responded to fifty-one (51) total incidents; a total of sixty-one (61) volunteers donated one thousand three hundred (1300) man hours, eleven and one half (11.5) helicopter hours, and nine (9) K9 hours.

PURCHASE REQUESTS / MARK BLANCH

Sheriff's Office, Polaris Razor four-seater	\$ 15,422.45
Election Department, voting systems	\$ 11,029.00
Recorder's Office, convert microfilm to digital images	\$ 17,340.00

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Eardley to Approve the Purchase Requests. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF REVISION TO WASHINGTON COUNTY POLICY AND PROCEDURES MANUAL: SECTION VI (EMPLOYMENT STATUS) TO

INCREASE THE NUMBER OF HOURS REQUIRED FOR A REGULAR-PART TIME EMPLOYEE TO BE ELIGIBLE FOR BENEFITS (WAS 20 HOURS A WEEK CHANGING TO 33 HOURS A WEEK). THE COUNTY WILL MAINTAIN THE BENEFITS OF CURRENT REGULAR PART-TIME EMPLOYEES

Administrator Dean Cox asked the record to correct a typographical error in the agenda, as follows: the reference to thirty-three (33) hours should be changed to thirty-two (32) hours. Additionally, he stated that this revision is essentially a housekeeping measure to ensure consistency and flexibility within the County.

MOTION: Motion by Commissioner Gardner to Approve the Revision To Washington County Policy And Procedures Manual: Section VI (Employment Status) To Increase The Number Of Hours Required For A Regular-Part Time Employee To Be Eligible For Benefits (Was 20 Hours A Week Changing To 32 Hours A Week). The County Will Maintain The Benefits Of Current Regular Part-Time Employees. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1598, A RESOLUTION APPROVING THE EXECUTION OF A QUIT CLAIM DEED FROM WASHINGTON COUNTY TO THE CITY OF ENTERPRISE REGARDING PROPERTY THE COUNTY ACQUIRED IN A TAX SALE AND IN WHICH IT HAS NO INTEREST

The quit claim deed referred to is a street in the City of Enterprise which is of no value to the County but which may be utilized to the benefit of the citizens of Enterprise.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1598, A Resolution Approving The Execution Of A Quit Claim Deed From Washington County To The City Of Enterprise Regarding Property The County Acquired In A Tax Sale And In Which It Has No Interest. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1599, A RESOLUTION APPROVING THE EXECUTION OF THREE QUIT CLAIM DEEDS FROM WASHINGTON COUNTY TO THE TOWN OF SPRINGDALE REGARDING PROPERTY THE COUNTY ACQUIRED IN A TAX SALE AND IN WHICH IT HAS NO INTEREST

The three (3) properties in question are in the Balanced Rock Subdivision and are of no value to the County but may be converted by the Town of Springdale into a public park or other project.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1599, A Resolution Approving The Execution Of Three Quit Claim Deeds From Washington County To The Town Of Springdale Regarding Property The County Acquired In A Tax Sale And In Which It Has No Interest. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1600, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIFTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING TO THE ESTABLISHMENT, FUNDING, AND OPERATION OF UTAH COUNTIES INDEMNITY POOL

Annually, the County renews its Interlocal Agreement with the Utah Counties Insurance Pool, which this year has changed its name to the Utah Counties Indemnity Pool.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1600, A Resolution Approving And Authorizing The Execution Of A Fifth Amended Interlocal Cooperation Agreement With Other Members Of Utah Counties Indemnity Pool, Relating To The Establishment, Funding, And Operation Of Utah Counties Indemnity Pool. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

PUBLIC HEARING: OPEN 2011 BUDGET; PRESENTATION OF FINAL 2012 BUDGET / KIM M. HAFEN

Chairman Drake opened the Public Hearing for comment on the Opening of the 2011 Budget. Washington County Clerk Auditor Kim M. Hafen said that the 2011 Budget had been adjusted slightly, mostly in the area of revenues, not expenses. Having no one come forward to speak at the Public Hearing, Chairman Drake declared it closed.

CONSIDERATION OF RESOLUTION NO. R-2011-1601, A RESOLUTION ADJUSTING THE WASHINGTON COUNTY BUDGET FOR 2011 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1601, A Resolution Adjusting The Washington County Budget For 2011 And Adopting By Reference A Summary And Analysis Thereof. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1602, A RESOLUTION ADOPTING THE WASHINGTON COUNTY BUDGET FOR 2012 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF

Chairman Drake opened the Public Hearing for comment on the 2012 Washington County Budget.

Mr. Hafen explained that the budget for next year closely mirrors that of 2011, as revenues and expenditures are basically flat, and County departments have complied with requests to increase expenses.

Having no one come forward, Chairman Drake closed the Public Hearing.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1602, A Resolution Adopting The Washington County Budget For 2012 And Adopting By Reference A Summary And Analysis Thereof. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1603, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN WASHINGTON COUNTY AND DE-MAR LC REGARDING TRANSFERRING OWNERSHIP OF A PARCEL OF REAL PROPERTY TO WASHINGTON COUNTY

Commissioner Gardner declared a conflict of interest concerning this item and recused himself.

Chairman Drake said that this agreement concerns a street in Pine Valley that is being deeded to the County, to facilitate its maintenance and repairs.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1603, A Resolution Approving The Execution Of An Agreement Between Washington County And De-Mar LC Regarding Transferring Ownership Of A Parcel Of Real Property To

Washington County. Motion seconded by Commissioner Drake and carried by majority vote, with Commissioners Drake and Eardley voting aye, and Commissioner Gardner abstaining.

CONSIDERATION OF RESOLUTION NO. R-2011-1604, A RESOLUTION APPROVING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN WASHINGTON COUNTY AND INFOWEST FOR HIGH-SPEED INTERNET SERVICES

The County has obtained its high-speed internet services from Infowest in recent years, and the service has always been satisfactory. This resolution renews that agreement.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1604, A Resolution Approving The Execution Of A Service Agreement Between Washington County And Infowest For High-Speed Internet Services. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1605, A RESOLUTION RATIFYING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE BUREAU OF INDIAN AFFAIRS AND WASHINGTON COUNTY FOR OFFICE SPACE IN THE OFFICE PLAZA BUILDING

This resolution is a ratification of an agreement previously signed between the Bureau of Indian Affairs (BIA) and Washington County wherein the BIA renews its lease of office space in the Office Plaza Building.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1605, A Resolution Ratifying The Execution Of A Lease Agreement Between The Bureau Of Indian Affairs And Washington County For Office Space In The Office Plaza Building. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1606, A RESOLUTION APPROVING PUBLIC DEFENDER AGREEMENTS BETWEEN DOUGLAS TERRY, BRYAN ADAMSON, ALAN BOYACK, ARIC CRAMER, GARY KUHLMANN, MICHAEL LASTOWSKI, TRAVIS MARKER, MICHAEL RAWSON, JAY WINWARD, AND LAMAR WINWARD AND WASHINGTON COUNTY TO PROVIDE PUBLIC DEFENSE SERVICES FOR INDIGENT DEFENDANTS IN THE FIFTH JUDICIAL DISTRICT COURT, THE FIFTH JUDICIAL JUVENILE COURT OF WASHINGTON COUNTY, THE

WASHINGTON COUNTY JUSTICE COURT, AND APPEALS FROM THESE COURTS FOR THE YEAR 2012

These public defender agreements are renewals of existing agreements for legal services which the County is required to provide to indigent defendants.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1606, A Resolution Approving Public Defender Agreements Between Douglas Terry, Bryan Adamson, Alan Boyack, Aric Cramer, Gary Kuhlmann, Michael Lastowski, Travis Marker, Michael Rawson, Jay Winward, And Lamar Winward And Washington County To Provide Public Defense Services For Indigent Defendants In The Fifth Judicial District Court, The Fifth Judicial Juvenile Court Of Washington County, The Washington County Justice Court, And Appeals From These Courts For The Year 2012. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF SELECTION OF COMMISSION CHAIRMAN FOR 2012

Chairman Drake said that it had been his pleasure to serve as Commission Chair for 2011, and he nominated Commissioner Gardner to succeed him in that position.

MOTION: Motion by Commissioner Drake to Select Commission Alan Gardner as Commission Chair for 2012. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

COMMISSIONERS' REPORT

Commissioner Gardner mentioned that the Commission had just received notification from the Fish & Wildlife Service that it was considering introducing the Mexican grey wolf into the population of great areas of Utah, Nevada, Montana, and Colorado. This issue is of concern because this species of wolf is not native to the area and will pose a significant danger to livestock, native wildlife populations, and human beings alike.

PUBLIC WORKS OR ROAD BUSINESS

Mr. Whitehead said that the Forest Service has agreed to re-open the road from the Silver Reefs area to the Red Cliffs Campground that it had previously closed.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Mr. Cox asked the Commission to approve a Cooperative Agreement between the Washington County Sheriff's Office and the State of Utah Division of State Parks and Recreation for the purchase of an All-Terrain Vehicle.

MOTION: Motion by Commissioner Eardley to Approve the Cooperative Agreement between the Washington County Sheriff's Office and the State of Utah Division of State Parks and Recreation for the Purchase of an All-Terrain Vehicle. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:52 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN